

Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs
Date: Wednesday, April 24, 2019 at 12:12:25 AM Eastern Daylight Time
From: Kerry Mustico
To: Anderson, Sean R., Golinveaux, Jennifer A.
CC: Jeff Gould, Kearney, Thomas, Buchanan, Tom, Matt Oppenheim, Lane, Thomas Patrick
Attachments: image001.jpg, image002.jpg, image003.jpg, image004.jpg, image005.jpg, image006.jpg

Sean,

We need the depositions on May 1 and 2 to end by 1:00 pm. We can start at 9:00 if you think you will need the additional time, but if so please let me know tomorrow.

As a courtesy, we provide the names of Plaintiffs' corporate designees below. In doing so, Plaintiffs reserve their right to designate alternate or additional designees if or as necessary. We provide again the Plaintiff Group(s) on behalf of which each witness will testify. Cox is free to ask the witnesses at their deposition which plaintiff-entity is their employer.

NB: In addition to the designees' names, the detail in red is new or changed from previously provided information.

May 1 (10:00 am – 1:00 pm; NY) – Neil Carfora, Sony Music Plaintiffs – Topics 10, 11, 13, 14
May 2 (10:00 am – 1:00 pm; NY) – Tom Foley, SATV/EMI Plaintiffs – Topics 9, 10-12
May 3 (NY) – Michael Abitbol, SATV/EMI Plaintiffs in NYC – Topics 1, 5, 7, 9, 13-22, 35-42
May 7 (LA) – Paul Kahn, Warner-Chappell Plaintiffs – Topics 1, 9-14
May 10 (LA) – Jeremy Blietz, Warner-Chappell Plaintiffs – Topics 1, 2-5, 7, 15-22, 36-42
May 14 (NY) – Wade Leak, Sony Music Plaintiffs – Topics 1-5, 7, 9, 12, 15, 16, 23-42
May 21 (9:00am – 1:00pm; Santa Monica) – Jason Gallien, UMG Plaintiffs – Topics 10-14
May 23 (Santa Monica) – Alasdair McMullan, UMG and UMPG Plaintiffs – Topics 1-4, 9, 23-34 (for UMG); Topics 5, 7, 36-42 (for UMG & UMPG)
May 24 (Santa Monica) – David Kokakis, UMPG Plaintiffs – Topics 1-4, 9-14
May 29 (**1:00pm – 5:00pm**; NY) – Matt Flott, Warner Music Plaintiffs in NYC – Topics 10-15
May 30 (**1:00pm – 5:00pm**; NY) – Jon Glass, Warner Music Plaintiffs in NYC – Topics 5, 7, 9, 36-42
June 4 (LA) – Christopher Bell, Warner Music Plaintiffs in LA – Topics 16-35
June 7 (LA) – Steven Poltorak, Warner Music Plaintiffs in LA – Topics 1-4
June 11 (NY) – David Benjamin, UMG and UMPG Plaintiffs in NYC – Topics 15-22, 35

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From: "Anderson, Sean R." <SRanderson@winston.com>

Date: Tuesday, April 23, 2019 at 2:09 PM

To: Kerry Mustico <Kerry@oandzlaw.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>

Cc: Jeff Gould <Jeff@oandzlaw.com>, "Kearney, Thomas" <TKearney@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>, Matt Oppenheim <Matt@oandzlaw.com>, "Lane, Thomas Patrick" <TLane@winston.com>

Subject: RE: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Kerry,

We are confirming these three depositions. They will take place at Winston & Strawn's New York office, which is located at 200 Park Avenue, New York, NY 10166. The start time for these three depositions is 10:00 am.

Please identify today the name and employer of each of Plaintiffs' designees for the depositions/topics for which you have already proposed dates.

Thanks,
Sean

Sean R. Anderson

Associate Attorney

Winston & Strawn LLP

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From: Kerry Mustico <Kerry@oandzlaw.com>

Sent: Tuesday, April 23, 2019 10:34 AM

To: Golinveaux, Jennifer A. <JGolinveaux@winston.com>; Anderson, Sean R. <SRanderson@winston.com>

Cc: Jeff Gould <Jeff@oandzlaw.com>; Kearney, Thomas <TKearney@winston.com>; Buchanan, Tom <TBuchana@winston.com>; Matt Oppenheim <Matt@oandzlaw.com>

Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Jennifer/Sean:

Can you please confirm that the depositions next week are going forward as follows:

May 1 (a.m.) – Sony Music Plaintiffs in NYC – Topics 10, 11, 13, 14

May 2 (a.m.) – SATV/EMI Plaintiffs in NYC – Topics 9, 10-12

May 3 – SATV/EMI Plaintiffs in NYC – Topics 1, 5, 7, 9, 13-22, 35-42

Please let us know the start times. Also, we assume that the location will be Winston's office in NY, but please confirm this as well.

Kerry

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From: Kerry Mustico <Kerry@oandzlaw.com>
Date: Monday, April 22, 2019 at 9:43 PM
To: "Golinveaux, Jennifer A." <JGolinveaux@winston.com>, "Anderson, Sean R." <sranderson@winston.com>
Cc: Jeff Gould <Jeff@oandzlaw.com>, "Kearney, Thomas" <TKearney@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>
Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Jennifer and Sean:

Subject to Plaintiffs' objections and responses served on April 16, we provide the following additional deposition dates and topics:

May 21 (a.m.) – UMG Plaintiffs in Santa Monica – Topics 10-14
May 29 – Warner Music Plaintiffs in NYC – Topics 10-15
May 30 – Warner Music Plaintiffs in NYC – Topics 5, 7, 9, 36-42
June 4 – Warner Music Plaintiffs in LA – Topics 16-35
June 7 – Warner Music Plaintiffs in LA – Topics 1-4

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From: Kerry Mustico <Kerry@oandzlaw.com>
Date: Tuesday, April 16, 2019 at 7:34 PM
To: "Anderson, Sean R." <sranderson@winston.com>, Jeff Gould <Jeff@oandzlaw.com>
Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>
Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Sean,

Cox served six 30(b)(6) deposition notices after 9:00 pm on March 28th. Now, barely two weeks later, Cox is demanding that we provide all witnesses and available dates with all of their respective designated topics by today or it will go to the Court tomorrow. As Cox has been wont to say, this is a problem entirely of Cox's own making. Again, we note that Cox didn't provide the topics on which Mr. Mencher would testify until four days before his deposition. Cox also didn't identify the topics on which its other witnesses would testify until well more than two weeks after we served our deposition notice and then changed the designated topics one business day prior to the Trickey deposition. Cox is scheduling for a single party; we are coordinating schedules for six parties. Of course the number of schedules and depositions we're trying to confirm is relevant. In light of Cox's own conduct, the positions it has taken throughout this discovery process are, frankly, baffling. All parties would be much better served by resisting the urge to posture or cry wolf.

Subject to the objections and responses served earlier today, we provide below the depositions and topics we've confirmed to date. As I have said, we will provide deponents/dates/topics on a rolling basis as we confirm them.

May 1 (a.m.) – Sony Music Plaintiffs in NYC – Topics 10, 11, 13, 14

May 14 – Sony Music Plaintiffs in NYC – Topics 1-5, 7, 9, 12, 15, 16, 23-42

May 2 (a.m.) – SATV/EMI Plaintiffs in NYC – Topics 9, 10-12

May 3 – SATV/EMI Plaintiffs in NYC – Topics 1, 5, 7, 9, 13-22, 35-42

May 23 – UMG and UMPG Plaintiffs in Santa Monica, CA –Topics 1-4, 9, 23-34 (for UMG); Topics 5, 7, 36-42 (for UMG & UMPG)

May 7 – Warner-Chappell Plaintiffs in LA – Topics 1, 9-14

May 10 – Warner-Chappell Plaintiffs in LA – Topics 1, 2-5, 7, 15-22, 36-42

June 11 – UMG and UMPG Plaintiffs in NYC – Topics 15-22, 35

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From: "Anderson, Sean R." <SRanderson@winston.com>

Date: Tuesday, April 16, 2019 at 2:34 PM

To: Kerry Mustico <Kerry@oandzlaw.com>, Jeff Gould <Jeff@oandzlaw.com>

Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>

Subject: RE: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Kerry,

Thank you for sending these supplemental responses. We will review them and let you know if we require a meet and confer call.

Despite our repeated inquiries, Plaintiffs have still not identified any witnesses or available dates in response to our notices, which we served over two-and-a-half weeks ago. The fact that your firm has "significantly

more schedules to juggle," as you noted on Friday, is frankly irrelevant to each plaintiff's basic discovery obligation in this case. As you are very well aware, we are quickly running up against expert discovery deadlines and thus cannot allow Plaintiffs to continue to delay this basic process.

If you do not identify by the end of the day today all of Plaintiffs' 30(b)(6) deponents, the topic(s) for which each deponent has been designated, and each deponent's available dates, we will take the issue up with the Court tomorrow.

Regards,
Sean

Sean R. Anderson

Associate Attorney

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From: Kerry Mustico <Kerry@oandzlaw.com>

Sent: Tuesday, April 16, 2019 12:21 PM

To: Anderson, Sean R. <SRanderson@winston.com>; Jeff Gould <Jeff@oandzlaw.com>

Cc: Lane, Thomas Patrick <TLane@winston.com>; Golinveaux, Jennifer A. <JGolinveaux@winston.com>;

Buchanan, Tom <TBuchana@winston.com>

Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Sean,

Attached are Plaintiffs' responses to Cox's 30(b)(6) notices. If, after having reviewed them, you would still like to meet and confer today, I'm available at 4 pm EST.

Kerry

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From: "Anderson, Sean R." <SRanderson@winston.com>

Date: Monday, April 15, 2019 at 11:32 AM

To: Kerry Mustico <Kerry@oandzlaw.com>, Jeff Gould <Jeff@oandzlaw.com>

Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>, "Buchanan, Tom" <TBuchana@winston.com>
Subject: RE: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Kerry,

We request a meet and confer call to discuss Plaintiffs' objections. Please let us know if you are available to speak at some point tomorrow afternoon between 2:30 pm EST and 5:00 pm EST.

Thanks,
Sean

Sean R. Anderson

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From: Kerry Mustico <Kerry@oandzlaw.com>
Sent: Friday, April 12, 2019 6:53 PM
To: Anderson, Sean R. <SRanderson@winston.com>; Jeff Gould <Jeff@oandzlaw.com>
Cc: Lane, Thomas Patrick <TLane@winston.com>; Golinveaux, Jennifer A. <JGolinveaux@winston.com>
Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Sean,

Our emails crossed paths. As I say in my email (also attached here), we will begin identifying witnesses early next week and will continue to identify the witnesses on a rolling basis. Our response time is certainly consistent with Cox's. We received the topics on which Cox's witnesses will testify well more than two weeks after we served our deposition notice and didn't know the topics on which Mr. Mencher would testify until 4 days before his deposition. We have significantly more schedules to juggle and I can assure you that we are working diligently to get everyone's availability confirmed as quickly as we can.

Kerry

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From: "Anderson, Sean R." <SRanderson@winston.com>
Date: Friday, April 12, 2019 at 6:33 PM
To: Kerry Mustico <Kerry@oandzlaw.com>, Jeff Gould <Jeff@oandzlaw.com>
Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>
Subject: RE: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Kerry,

We served our notices over two weeks ago and Plaintiffs have still not identified their designees and available dates. The last we heard from your team on this subject was last weekend when Matt noted that you all would "hopefully be able to coordinate." Of course, that is Plaintiffs' basic discovery obligation. Too much time has passed on this issue.

We are prepared to go to the Court with this issue unless Plaintiffs identify by 5 pm Monday all of their designees, the topics for each, and the dates that each designee is available to be deposed.

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From: Kerry Mustico <Kerry@oandzlaw.com>
Sent: Wednesday, April 3, 2019 2:51 PM
To: Anderson, Sean R. <SRanderson@winston.com>; Jeff Gould <Jeff@oandzlaw.com>
Cc: Lane, Thomas Patrick <TLane@winston.com>; Golinveaux, Jennifer A. <JGolinveaux@winston.com>
Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Sean,

We are working on identifying Plaintiffs' designees. But, I can tell you that the proposed dates in the notices do not work. We will be back in touch about alternate dates and the scope of the 30(b)(6) topics.

Regards,
Kerry

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From: "Anderson, Sean R." <SRanderson@winston.com>
Date: Wednesday, April 3, 2019 at 9:39 AM
To: Kerry Mustico <Kerry@oandzlaw.com>, Jeff Gould <Jeff@oandzlaw.com>
Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>
Subject: RE: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Kerry,

When do Plaintiffs anticipate being able to identify witnesses and their availability? Given the number of Plaintiff Groups and the likelihood that multiple witnesses will be designated by each, we need to begin to discuss scheduling soon.

Thanks,
Sean

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From: Kerry Mustico <Kerry@oandzlaw.com>
Sent: Monday, April 1, 2019 1:02 PM
To: Anderson, Sean R. <SRanderson@winston.com>; Jeff Gould <Jeff@oandzlaw.com>
Cc: Lane, Thomas Patrick <TLane@winston.com>; Golinveaux, Jennifer A. <JGolinveaux@winston.com>
Subject: Re: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Sean,

We are reviewing the 30(b)(6) notices with our clients and will get back to you regarding witnesses and their availability.

Kerry

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From: "Anderson, Sean R." <SRanderson@winston.com>
Date: Thursday, March 28, 2019 at 9:06 PM
To: Jeff Gould <Jeff@oandzlaw.com>, Kerry Mustico <Kerry@oandzlaw.com>
Cc: "Lane, Thomas Patrick" <TLane@winston.com>, "Golinveaux, Jennifer A." <JGolinveaux@winston.com>
Subject: Sony v. Cox - 30(b)(6) deposition notices to Plaintiffs

Jeff and Kerry,

Please see the attached Rule 30(b)(6) deposition notices to Plaintiffs.

Regards,
Sean

Sean R. Anderson

Associate Attorney

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